

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

**JERRY MICHAEL PUCKETT,
ANDREW JOSEPH PUCKETT, and
G.R.P., a minor child,**

Plaintiffs,

Case No.: 2:23-cv-00123-DCLC-CRW

v.

**UNICOI COUNTY, TENNESSEE,
CITY OF ERWIN, TENNESSEE,
MICHAEL HENSLEY,
JONATHAN “FRANK” ROGERS,
TONY BUCHANAN, AND
JOHN AND JANE DOES NO. 1-10**

Defendants.

**MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS/MOTION FOR MORE DEFINITE STATEMENT**

The undersigned has grappled with many of the issues implicated by the 45 page document Plaintiffs submitted September 7, 2023, the Court's direction to the Plaintiffs in late September, 2023 to file the filing fee, as well as the service documents filed by Plaintiffs December 4, 2023.

A perusal of the initiating instrument of which the Plaintiffs seek to invoke this Court's jurisdiction indicates that all Plaintiffs reside at the same address, possess the same phone number and possess the same email address.

Although the undersigned concedes that he is somewhat flying blind in this scenario, and it appears that Mr. Jerry Michael Puckett is filing the instant suit only for

himself (if applicable) but also as the conservator¹ for Andrew Joseph Puckett and a minor G.R.P. Respectfully, this is something Mr. Jerry Puckett cannot do according to the face of the Complaint. As stated, the undersigned does not dispute, for the purpose of this Motion, the authenticity of Mr. Jerry Michael Puckett's conservatorship. Yet, Mr. Jerry Michael Puckett cannot advance any claim for either Andrew Joseph Puckett or the minor Plaintiff. The quote "Complaint" itself indicates Mr. Jerry Michael Puckett, as well as all others, do not possess a law license and therefore may not advance a claim on behalf of anyone other than oneself. Specifically, Mr. Jerry Michael Puckett may sue "pro se" only for the alleged acts or omissions done to him and are redressable under the statutes upon which he has sued. He may not file on behalf of any other individual.²

Accordingly, Defendant Unicoi County, Tennessee, Michael Hensley, and Jonathan "Frank" Rogers, respectfully request that this action be dismissed, or in the alternative, that Mr. Jerry Michael Puckett produce a more definite statement as to his claim and his claims only.

Second, it does not appear that appropriate service has been accomplished. Not only was Mr. Hensley and Mr. Rogers not served personally, but the return indicates the process server only left copies of the "Complaint" at the "UCSD." Such does not comply with the requirements of Fed. Rule Civ. Pro. 4.

To comply with Fed. Rule Civ. Pro. 4(e), Plaintiffs must either comply with state law, serve the individual personally, or appropriately leave process at the individual's dwelling place, or usual place of abode, or with an individual authorized to accept process.

¹ A telephonic inquiry to the Chancery Court for Unicoi County, Tennessee reveals no such conservatorship, but the undersigned does not take issue with Mr. Puckett's status as the same may have been granted in another county or an otherwise explanation exists.

² Tenn. Code Ann. §23-103 is specific. One may not practice law without a law license and to do so is a Class A misdemeanor.

No indication exists that any of the foregoing was done.

Concerning Unicoi County, Tennessee, Plaintiff makes no attempt to show that he served Unicoi County, Tennessee in an appropriate manner. The return indicates only that a copy of the "Complaint" was left with an "Amanda Whaley" and therefore Plaintiffs believe they have complied with Fed. Rule Civ. Pro. 4 with respect to Unicoi County, Tennessee. Yet, other than Ms. Whaley's name, no indication is given on the return that she is an appropriate individual who may receive process for Union County, Tennessee.

Accordingly, the Complaint should be dismissed for this additional reason.

Lastly, the undersigned submits that no matter what the statute sued under, Plaintiffs must show what each individual did or did not do, in detail precisely the statutory or constitutional requirements allegedly infringed based upon the standard law of liability. Accordingly, to the extent the Court decides to "give plaintiff a break" and allow Plaintiffs to correct the "Complaint" and file the same properly, and/or serve the same properly, these Defendants respectfully request that it be done in accordance with the law.

RESPECTFULLY SUBMITTED this 7th day of December, 2023.

TAYLOR & KNIGHT, GP

s/ Arthur F. Knight, III

Arthur F. Knight, III BPR# 016178

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CERTIFICATE OF SERVICE

I hereby certify that on December 7th, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. The Plaintiffs will be served via regular U.S. Mail at the following address:

Jerry Michael Puckett
775 Rector Laurel Road
Flag Pond, TN 37657

Andrew Joseph Puckett
775 Rector Laurel Road
Flag Pond, TN 37657

G.R.P.
775 Rector Laurel Road
Flag Pond, TN 37657

Parties may access this filing through the Court's electronic filing system.

s/Arthur F. Knight, III
Arthur F. Knight, III